

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

*Filed Electronically:* November 8, 2017

IN RE ADDICKS AND BARKER (TEXAS) )  
FLOOD-CONTROL RESERVOIRS )  
 )  
THIS DOCUMENT RELATES TO: )  
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 )  
Y AND J PROPERTIES, LTD., ) No. 1:17-mc-3000 L  
*individually and on behalf of all other* )  
*persons similarly situated,* ) Chief Judge Susan G. Braden  
 )  
No. 1:17-cv-01189 L )  
 )  
BRYANT BANES, *et al.*, )  
 )  
No. 1:17-cv-01191 L )  
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MATTHEW SALO, *et al.*, )  
*individually and on behalf of all other* )  
*persons similarly situated,* )  
 )  
No. 1:17-cv-01194 L )  
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ANGELA BOUZERAND, *et al.*, )  
*individually and on behalf of all other* )  
*persons similarly situated,* )  
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No. 1:17-cv-01195 L )  
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VAL ANTHONY ALDRED, *et al.*, )  
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No. 1:17-cv-01206 L )  
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KENNETH LEE SMITH, *et al.* )  
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No. 1:17-cv-01215 L )  
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GARNER TIP STRICKLAND, IV, *et al.*, )  
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No. 1:17-cv-01216 L )

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BONNIE CLARK GOMEZ, *et al.*, )  
No. 1:17-cv-01232 L )  
VIRGINIA MILTON, *et al.*, )  
No. 1:17-cv-01235 L )  
CHRISTINA MICU, *and all others similarly*  
*situated,* )  
No. 1:17-cv-01277 L )  
WAYNE HOLLIS, JR., *et al., individually and*  
*on behalf of all other persons similarly situated,* )  
No. 1:17-cv-01300 L )  
ANTHONY ARRIAGA, *et al.*, )  
No. 1:17-cv-01303 L )  
BASIM MOUSILLI, )  
No. 1:17-cv-01332 L )  
SANDRA JACOBSON, *et al.*, )  
No. 1:17-cv-01374 L )  
HENRY DE LA GARZA, *et al.*, )  
No. 1:17-cv-01390 L )  
MARTHA POLLOCK, )  
No. 1:17-cv-01391 L )  
MARY KHOURY, )  
No. 1:17-cv-01393 L )  
AGL, LLC, *et al.*, )  
No. 1:17-cv-01394 L )

LUDWIGSEN FAMILY LIVING TRUST, *et al.*, )  
No. 1:17-cv-01395 L )  
GERARDO REYES, )  
No. 1:17-cv-01396 L )  
VANESSA VANCE, )  
No. 1:17-cv-01397 L )  
LISA ERWIN, )  
No. 1:17-cv-01398 L )  
MARYAM JAFARNIA, )  
No. 1:17-cv-01399 L )  
EMILIANO BRUZOS, *et al.*, )  
No. 1:17-cv-01408 L )  
EDGAR ABLAN, *et al.*, )  
No. 1:17-cv-01409 L )  
DELFINA GOVIA, )  
No. 1:17-cv-01423 L )  
BURTON HERING, *et al.*, )  
No. 1:17-cv-01427 L )  
FAITH LEWIS, )  
No. 1:17-cv-01428 L )  
ADRIENNE MURRAY, *et al.*, )  
No. 1:17-cv-01430 L )

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JARRET VENGHAUS, )  
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                     No. 1:17-cv-01433 L )  
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JACK RUSSO,        )  
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                     No. 1:17-cv-01434 L )  
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JOSEPH NEAL,        )  
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                     No. 1:17-cv-01435 L )  
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IGOR EFFIMOFF,      )  
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                     No. 1:17-cv-01436 L )  
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ANIL THAKER,        )  
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                     No. 1:17-cv-01437 L )  
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JANE GILLIS,        )  
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                     No. 1:17-cv-01439 L )  
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WILLIAM E. WOLF, *et al.*,    )  
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                     No. 1:17-cv-01450 L )  
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MEMORIAL SMC INVESTMENT 2013 LP,    )  
A TEXAS LIMITED PARTNERSHIP,        )  
                      )  
                     No. 1:17-cv-01451 L )  
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ROBERT CEBALLOS,     )  
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                     No. 1:17-cv-01453 L )  
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JAMES L. DRONE, *et al.*,        )  
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                     No. 1:17-cv-01454 L )  
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JACQUELINE WILLIAMSON, *et al.*,  
No. 1:17-cv-01456 L  
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MEADOWS ON MEMORIAL OWNERS  
ASSOCIATION INC., *et al.*,  
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No. 1:17-cv-01457 L  
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BE MEMORIAL REALTY LTD,  
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No. 1:17-cv-01458 L  
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GEORGE CUTLER, *et al.*,  
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No. 1:17-cv-01459 L  
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CHERYL L. HANKINSON,  
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No. 1:17-cv-01460 L  
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CHRISTOPHER TITA, *et al.*, *individually and*  
*on behalf of all others similarly situated,*  
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No. 1:17-cv-01461 L  
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BRENSON ABBOTT, *et al.*,  
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No. 1:17-cv-01512 L  
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GERALDINE CROKER,  
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No. 1:17-cv-01515 L  
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KARLA MURCIA,  
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No. 1:17-cv-01514 L  
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VLADIMIR KOCHARYAN,  
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No. 1:17-cv-01516 L  
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AURELIO AGREDA,  
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No. 1:17-cv-01517 L  
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THOMAS REED, )  
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                  No. 1:17-cv-01518 L )  
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STAN ALFORD, )  
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                  No. 1:17-cv-01519 L )  
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NAEEM RAVAT, )  
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                  No. 1:17-cv-01520 L )  
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DAN NGUYEN, )  
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                  No. 1:17-cv-01521 L )  
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ELAINE CHEN, )  
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                  No. 1:17-cv-01522 L )  
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CAROLE PAGNOTTO, )  
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OSCAR MORAN, )  
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DAVID RAZNAHAN, )  
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                  No. 1:17-cv-01525 L )  
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DAVID YOUNG, *et al.*, )  
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                  No. 1:17-cv-01545 L )  
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BILLIE WILLIAMS, *et al.*, )  
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                  No. 1:17-cv-01555 L )  
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EDITH C. REYES, *et al.*, )  
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                  No. 1:17-cv-01559 L )  
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| PHILIP ANGELL, <i>et al.</i> ,      | ) |
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| No. 1:17-cv-01564 L                 | ) |
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| SHIRLEY CORTE,                      | ) |
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| No. 1:17-cv-01565 L                 | ) |
|                                     | ) |
| LARRY MILLER,                       | ) |
|                                     | ) |
| No. 1:17-cv-01566 L                 | ) |
|                                     | ) |
| SCOTT UECKERT, <i>et al.</i> ,      | ) |
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| No. 1:17-cv-01567 L                 | ) |
|                                     | ) |
| MELISSA YOUNG, <i>et al.</i> ,      | ) |
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| No. 1:17-cv-01569 L                 | ) |
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| HWAN BAE, <i>et al.</i> ,           | ) |
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| No. 1:17-cv-01577 L                 | ) |
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| JOSEPH M. SINDELAR, <i>et al.</i> , | ) |
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| No. 1:17-cv-01578 L                 | ) |
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| JOSHUA MUMBA, <i>et al.</i> ,       | ) |
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| No. 1:17-cv-01582 L                 | ) |
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| DAVID BARTLET, <i>et al.</i> ,      | ) |
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| No. 1:17-cv-01588 L                 | ) |

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**UNITED STATES' NOTICE OF ERROR IN DEFENDANT'S RESPONSE TO**  
**PLAINTIFFS' POSITION STATEMENTS**

The United States files this notice at the request of counsel in the *Salo* and *Williamson* cases to correctly identify those case management plans the United States deemed objectionable.

On October 20, 2017, Plaintiffs in the above-captioned lawsuits filed statements setting forth their interest in serving as counsel with respect to cases filed alleging a Fifth Amendment taking as a result of the U.S. Army Corps of Engineers' operation of two flood-control reservoirs during and after Hurricane Harvey. The United States responded to those filings on October 30, 2017. In the filing, the United States described its opposition to those case management structures proposing leadership by large teams of attorneys and committees, including the statement we believed was jointly filed by Derek Potts and Charles Hagan.<sup>1</sup> See e.g. USA's Response at 10-11. After the filing, Mr. Charles Hagans, counsel for the plaintiffs in *Salo v. United States*, No. 17-1194, and *Williamson v. United States*, No. 17-1456, advised that the Hagans Montgomery & Rustay firm was no longer affiliated with the Potts group that had originally filed the twelve-attorney proposal, and had filed a separate position statement. The United States hereby advises the Court of the error.

The United States' filing also noted that the Hagans Group proposal described a need for coordination about litigation of insurance matters. USA's Response at 10-11. In actuality, the statement describing the need for such coordination was filed by counsel Jeffrey Raizner. See Statement of Interest and Position Statement on Case Designation at 2, *Meadows on Memorial*

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<sup>1</sup> The United States' response referenced the original filing in *Cutler v. United States* that proposed a 12-attorney team to be jointly led by Derek Potts and Charles Hagans. See Pls.' Counsel's Statement of Interest Filed Pursuant to RCFC 23(g)(1) at 3, *Cutler v. United States*, No. 17-1459, ECF No. 12. Filings in other cases proposed the same 12-person team structure with Mr. Potts and Mr. Hagans serving as co-leads, including *Govia v. United States*, No. 17-1423, *Hankinson v. United States*, No. 17-1460, *Reyes v. United States*, No. 17-1559, and *Young v. United States*, No. 17-1569. In *Cutler*, an amended position statement was filed before October 30, 2017 withdrawing Mr. Hagans' affiliation. In *Hankinson*, an amended position statement was filed after the United States' filing on October 31, 2017. ECF No. 18. In *Reyes* and *Govia*, no amended statement has been filed and the 12-person Potts and Hagans proposal is the lone statement. Filings in other cases referenced, but did not attach, the original *Cutler* filing, including *Aldred*, No. 17-1206, *Bouzerand v. United States*, No. 17-1195, *Meadows on memorial Owners Ass'n v. United States*, No. 17-1457, *Be Memorial Realty v. United States*, No. 17-1458.

*Owners Ass'n v. United States*, No. 17-1457, ECF No. 11 and *Be Memorial Realty v. United States*, No. 17-1458, ECF No. 11. Though originally a member of the joint Potts/Hagans group, Mr. Raizner is a member of the now-amended Potts Group. *See Second Am. Statement of Interest at 1, Cutler v. United States*, No. 17-1459, ECF No. 18. The United States hereby notifies the Court of these matters to correct the record.

The United States does not seek leave to file an errata because its filing pertained to the November 1 hearing that has already occurred.<sup>2</sup> The Hagans group originally filed, and the Potts group has now amended, separate case management proposals that do not propose a leadership team of twelve attorneys.<sup>3</sup> *See Second Am. Statement of Interest at 1, Cutler v. United States*, No. 17-1459, ECF No. 18; Statement of Interest, *Williamson v. United States*, No. 17-1456, ECF No. 13. Furthermore, because Plaintiffs' positions may have changed during and after the November 1 hearing any amended filing is likely obsolete. The United States' position opposing any case management structure including excess attorneys or inconsistent with the Manual for Complex Litigation is unchanged.

Respectfully submitted this November 8, 2017.

Respectfully submitted,

JEFFREY H. WOOD  
ACTING ASSISTANT ATTORNEY GENERAL

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<sup>2</sup> The United States makes this filing at the request of Hagans Montgomery & Rustay. Counsel for the United States previously advised counsel for the *Salo* and *Williamson* plaintiffs that we did not object to plaintiffs' counsel correcting the record at the November 1 hearing and noted that counsel for the United States could alternately correct the record at the hearing, if desired. Plaintiffs' counsel did not request that any correction be made at the hearing.

<sup>3</sup> Although no amended filings were filed in *Govia, Reyes, or Young v. United States*, No. 17-1569, the United States presumes the parties in those cases no longer propose the original Potts and Hagans 12-attorney leadership team.

Environment & Natural Resources Division

By s/Jacqueline Brown

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